

ELEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 1, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday read and adopted.

Senator Crain presented the petition of sundry citizens, asking for a pension law for the benefit of the soldiers who fought the Indians in Texas up to the year 1845, or their widows.

Read and referred to the Committee on State Affairs.

Senator Burton introduced a bill to be entitled: "An Act for the relief of persons against whom have been adjudged fines, penalties and forfeitures, or who have paid money into the Treasury."

Read first time and referred to Judiciary Committee No. 1.

Senator Wortham offered the following resolution:

Resolved, That the porters and pages of the Senate be allowed, as pay for their services, the sum of three dollars per day, and that the Secretary of the Senate be required to issue his certificate for the respective amounts due each in accordance with the provisions of this resolution.

Adopted.

Senator Ford introduced a bill to be entitled: "An Act to create and establish the Bureau of Insurance, Statistics and History of Texas."

Read first time and referred to Committee on Statistics of Industry, Public Health and History of Texas.

Senator Terrell introduced a bill entitled: "An Act to provide for supplying the State Capitol and Capitol grounds with water."

Read first time and referred to Committee on Public Buildings and Grounds.

Senator McLeary introduced a bill to be entitled: "An Act to organize and prescribe the duties of the County Commissioners' Court."

Read first time and referred to Judiciary Committee No. 1.

Senator J. R. Henry introduced a bill entitled: "An Act supplementary of the act of May 12, 1846, entitled, 'An Act to regulate the license and practice of attorneys and counselors-at-law.'"

Bill read first time and referred to Judiciary Committee No. 1.

Senator Motley introduced a bill entitled: "An Act to authorize the Commissioners' Court, in the several counties of the State, to lay out roads, appoint overseers and apportion hands."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Thompson introduced a bill entitled: "An Act to repeal 'An Act requiring Justices of the Peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to persons in such cases,' approved August 11, 1870."

Read first time and referred to Judiciary Committee No. 2.

Senator Storey introduced a bill entitled: "An Act to provide for an additional method of taking testimony by deposition and to avoid the necessity of proving the official character of the officer taking and returning the depositions."

Read first time and referred to Judiciary Committee No. 1.

Senator Thompson introduced a bill entitled: "An Act to amend

Section 3 of 'An Act to provide for the foreclosure of mortgages on real and personal estates,' passed 15th May, 1838.

Read first time and referred to Judiciary Committee No. 2.

Senator Smith introduced a bill entitled: "An Act to provide for the fees of County Attorneys in the several counties of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

Senator Smith introduced a bill entitled: "An Act providing for the election of District Attorneys, their duties and compensation."

Read first time and referred to Judiciary Committee No. 2.

Senator Smith introduced a bill entitled: "An Act to provide for the duties and fees of County Attorneys."

Read first time and referred to Judiciary Committee No. 2.

Senator Wortham offered the following resolution:

Resolved, That the Senate do now elect a general committee clerk to perform such clerical labors as may be required by the various committees which have no clerk, and to assist the other clerks when necessary."

Lost.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following Senate bills, and find them correctly engrossed:

Senate Bill No. 19—"An Act to prescribe the order of determining cases in the Supreme Court."

Senate Bill No. 16—"An Act to amend Articles 396, 397 and 398 of the penal code."

Senate Bill No. 14—"An Act to transfer to the proper tribunals the business and records pertaining to the increased jurisdiction granted by an act of the Legislature, approved on the thirty-first day of May, 1873, to the presiding Justice of the Peace of the counties of Fannin and Lamar."

Senate Bill No. 6—"An Act making an appropriation to defray the contingent expenses of the first session of the Fifteenth Legislature."

Senate Bill No. 36—"An act to provide for the manner in which publication of notice of intention to apply for the passage of a local or special law and proof of such publication shall be made."

STEPHENS, *Chairman*.

Senator Thompson offered the following resolution:

Resolved, That the Secretary of State be requested to furnish the chairman of each standing committee of the Senate with a copy of the general laws of the Eleventh and Twelfth Legislatures of the State of Texas.

Adopted.

Unfinished business, viz: resolution by Judiciary Committee No. 1, asking authority to send for persons and papers in the matter of the memorial of Messrs. Merrick & Durant, and the Governor's message, with the pending substitute by Senator Edwards, was taken up.

Senator Brown moved that the further consideration of the resolution reported by Judiciary Committee No. 1; asking authority to send for persons and papers in an investigation of the facts alleged in the memorial of Messrs. Merrick & Durant, in reference to their services as counsel for the State, to recover certain United States Texas Indemnity Bonds,

be postponed to Saturday, May 20th; and that the consideration of the said resolution and substitute thereof, be made the special order for 11 o'clock on that day.

Adopted.

Orders of the day were then taken up:

House Bill No. 30, entitled, "An Act ratifying and confirming an ordinance of the city of Houston, adopted December 10, 1875, providing for the consolidation and funding of the bonded indebtedness of said city," was taken up, read, and referred to Judiciary Committee No. 1.

Senate Bill No. 26, entitled, "An Act to require the Clerks of the District Courts of the State to provide and keep indexes and cross indexes of the names of the parties to all causes in their courts, and to provide a penalty for their failure to comply with the provisions of this act," was taken up; and, on motion of Senator McLeary, 100 copies of the bill, report of committee, and amendments ordered printed.

Senate Bill No. 42, entitled, "An Act to amend an act entitled, 'An Act prescribing the mode of proceedings in District Courts in matters of probate,'" approved the 15th of August, 1870, was taken up with the report of the committee recommending a substitute for said bill. Substitute was adopted, bill read second time, and ordered engrossed.

Senate Bill No. 49, entitled, "An Act to amend an act entitled, 'An Act to establish a penal code for the State of Texas,'" approved August 28, 1856, with report of committee, was taken up; and, on motion of Senator Crain, 100 copies of the bill and report of the committee were ordered printed.

Senator McLeary moved to change the time of special order so as to make the contested election case of Cleveland vs. McCormick come up at 11 o'clock A. M.

Lost.

Senator Edwards moved that the special order, Senate Bill No. 11, entitled, "An Act to provide for revising, digesting, and publishing the laws, civil and criminal, of the State of Texas," be postponed until Wednesday next at 11 o'clock A. M.

Carried.

Senator McLeary moved a recess of five minutes.

Carried.

Senate called to order. Roll called. Quorum present.

Regular order of business proceeded with.

Senate Bill No. 33, entitled, "An act to be entitled, 'An Act to repeal the act to regulate the removal of the disability of minors,'" was read a second time and ordered to be engrossed.

Senate Bill No. 29, entitled, "An Act to fix the time of holding the next general election," with the report of committee recommending amendments, was taken up.

The amendments were adopted, bill read second time and ordered to be engrossed.

Senate Bill No. 41, entitled, "An Act to provide for and regulate the safe keeping of trust funds by officers of courts," was taken up, with the report of the committee recommending amendments.

Amendments adopted, bill read second time and ordered engrossed.

A message was received from the House announcing the passage of the following:

Senate Bill No. 25—"An Act to organize the Court of Appeals."

Senate Bill No. 47, entitled, "An Act to give effect to Article 6, Section 1, of the Constitution," was taken up, with the report of the committee recommending that the bill do not pass.

Report of committee adopted and bill lost.

The hour of the special order having arrived, it was taken up, viz: Matter of contest between C. L. Cleveland, contestant, A. P. McCormick, sitting member, from the Nineteenth Senatorial District.

C. L. Cleveland, in person, submitted an argument in his own behalf, and J. H. Bell for the sitting member.

The President *pro tem.* in the chair.

On motion of Senator Terrell, the Senate adjourned until 3 o'clock P. M.

EVENING SESSION—3 P. M.

Senate met pursuant to adjournment. Roll called. No quorum present.

Absent—Senators Brady, Crain, Ford, Grace, Henry F. M., Hobby, McLeary, Motley, McCormick, Moore, Smith, Storey, Terrell and Thompson.

Senators McLeary, Motley, Terrell and Brady appeared and made a quorum.

Argument in the case of Cleveland vs. McCormick was continued, and concluded by C. S. West in behalf of contestant.

Senator Crain moved that the further consideration of the question be postponed until to-morrow at 10 o'clock A. M.

Lost.

The question being, "The adoption of the resolution submitted by the Committee on Privileges and Elections in the contested case of Cleveland vs. McCormick," it was put and carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson and Wortham—25.

NAYS—Senators Brown, Francis and Stephens—3.

On motion of Senator McLeary, the Senate adjourned until to-morrow morning at 10 o'clock.

TWELFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 2, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. J. F. Hillyer.

Journal of yesterday read and adopted.

On motion of Senator McLeary, his name was inserted in the recorded vote of yesterday with the Senators voting in favor of the adoption of the resolution presented by the Committee on Privileges and Elections in the contested election case of Cleveland vs. McCormick.

Senator McLeary introduced a bill, to be entitled: "An Act to regulate the wearing of arms, with a view to prevent crime."

Read first time and referred to Judiciary Committee No. 1.

Senator Ledbetter introduced a bill, entitled: "An Act to amend Section 138 of an act entitled: 'An Act to regulate proceedings in the District Courts,' approved May 13, 1846."